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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,896	10/17/2003	Nitin Jhingan	END920030059US1 (16844)	9806
23389 7590 11/20/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER CLARK, DAVID J				
ART UNIT 3628		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,896

Applicant(s)

JHINGAN, NITIN

Examiner

DAVID J. CLARK

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 19-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 and 19-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the Request for Continued Examination filed on 15 July 2008.
2. Claims 1 and 19 have been amended.
3. Claims 1-6, and 19-23 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 July 2008 has been entered.

Response to Arguments

5. Applicant's arguments received on 15 July 2008 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. With regard to the limitations of claims 1 and 19 Applicant argues *there is no mention* (in Katzman) *of an agent that help the user create orders through a chat window*. The Examiner respectfully disagrees and points to paragraph 0028, where Katzman discloses, "the CS Order Wizard may provide order request and processing capabilities...Orders created by a user place a direct demand order on

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the supplier, utilizing the MCS programmable API (XML, standards based API) which the interfaces directly to the suppliers order processing and fulfillment systems... via email, chat."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-6 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou (US PGP 2002/0099796 A1) in view of Katzman et al. (US PGP 20020046051 A1).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

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Claim 1:

Chou, as shown, discloses the following limitations:

A method of creating and providing information about a requisition order, comprising the steps:

- *providing an automated agent for receiving and identifying a set of inquiries about the requisition order, and for each identified inquiry, preparing an associated response* (see at least figure 1, "110" and "118"; Figure 3, "322"; paragraphs 0008, 0025-0026, "web server software"; 0033-0034);
- *a user transmitting to the agent one of said set of inquiries*(see at least paragraph 0009, 0011, 0024, and 0045-0046);
- *the agent identifying the transmitted inquiry and preparing the associated response* (see at least paragraph 0025, 0045-0046);
- *using the system to send said associated response from the agent to the user* (see at least paragraph 0045);

Chou does not disclose the following limitations, but Katzman et al. however, as shown, does:

- *the user initiating a session with the agent via the instant messaging system* (see at least paragraph 0026, 0028, and 0099, where Katzman teaches an electronic concession stand application that provides users with the ability to order items via a network, {paragraph 0026 and 0028}. Katzman further teaches a user requests an order of goods by sending an instant message to a number of suppliers {paragraph 0099}.); *and*
- *the user and the agent interactively communicating during said session via the instant messaging system to create the requisition order* (see at least paragraph 0099 and 0100, where Katzman further teaches a user requests an order of goods by sending an instant message to a number of suppliers {paragraph 0099} and in response, Katzman further teaches a supplier sends an instant message back to the user with details of the requested order {paragraph 0100}.),
- *wherein the agent helps the user create orders through a chat window* (see at least

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paragraph 0028, "the CS Order Wizard may provide order request and processing capabilities...Orders created by a user place a direct demand order on the supplier, utilizing the MCS programmable API (XML, standards based API) which the interfaces directly to the suppliers order processing and fulfillment systems... via email, chat.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Chou with the technique of Katzman et al. for the advantage of providing real-time interaction between the provider and the customer, therefore improving the efficiency of processing an order.

Claims 2 and 3:

Chou in view of Katzman et al. discloses the limitations of claim 1 as shown above. Moreover, Chou, as shown, discloses the following limitations:

(Claim 2) A method according to Claim 1, for use with a given requisition system, and further comprising the steps of:

- *the user submitting the requisition order to the requisition system (see at least paragraphs 0046-0049); and*
- *providing the agent with access to the requisition system to transmit information to and to receive information from the requisition system (see at least figure 1 and paragraph 0025).*

(Claim 3) A method according to Claim 2, further comprising the step of the agent, in response to identifying the transmitted inquiry, accessing the requisition system to obtain an answer to the transmitted inquiry (see at least paragraphs 0025, 0044-0048).

Claims 4 and 5:

Chou in view of Katzman et al. discloses the limitations of claim 1 as shown above. Chou, as shown, discloses the following limitations:

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(Claim 4) *wherein the step of the user transmitting to the agent one of said set of inquiries includes the step of the user to transmit to the agent said one of the set of inquiries* (see at least paragraphs 0009, 0011, 0024, and 0045).

(Claim 5) *wherein:*

- *the step of the user initiating a session with the agent includes the step of the user transmitting to the agent a request to initiate preparation of the requisition order* (see at least paragraph 0046);
- *the step of the agent preparing the associated response includes the step of the agent preparing a set of prompts to obtain information from the user about the requisition order* (see at least paragraph 0046 - The agent provides an item search page having text entry fields for one or more searchable parameters.); *and*
- *the step of using the system includes the step of to send the set of prompts to the user* (see at least paragraph 0046).

Chou does not disclose the following limitations, but Katzman et al. however, as shown, does:

- *using the instant messaging system* (see at least paragraph 0099)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Chou with the technique of Katzman et al. for the advantage of providing real-time interaction between the provider and the customer, therefore improving the efficiency of processing an order.

Claim 6:

Chou in view of Katzman et al. discloses the limitations of claim 5 as shown above. Moreover, Chou, as shown, discloses the following limitations:

further comprising the steps of:

- *the user, in response to receiving the set of prompts, providing said information to the agent* (see at least paragraph 0046); *and*

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- *the agent using said provided information to complete the requisition order, and sending the completed requisition order to a given requisition system (see at least paragraphs 0046-0049 and 0052).*

Claim 19:

Chou, as shown, discloses the following limitations:

A method of creating and providing information about a requisition order, comprising the steps:

- *providing an automated agent for receiving and identifying a set of inquiries about the requisition order, and for each identified inquiry, preparing an associated response (see at least figure 1, "110" and "118"; Figure 3, "322"; paragraphs 0008, 0025-0026, "web server software"; 0033-0034);*
- *using an application program interface for connecting the agent with an instant messaging system (see at least paragraphs 0013 and 0033);*
- *a user transmitting one of said set of inquiries utilizing the system (see at least paragraph 0009, 0011, 0024, and 0045-0046);*
- *the agent receiving said one of the inquiries utilizing said application program interface (see at least figure 3 and paragraphs 0013, 0025, 0033-0035, and 0045);*
- *the agent identifying said one of the inquiries and preparing the associated response (see at least paragraphs 0025 and 0045);*
- *using the application program interface to send said associated response from the agent to the user via the system (see at least paragraphs 0033-0035 and 0045);*

Chou does not disclose the following limitations, but Katzman et al. however, as shown, does:

- *the user initiating a session with the agent via the instant messaging system (see at least paragraph 0026, 0028, and 0099, where Katzman teaches an electronic concession stand application that provides users with the ability to order items via a network, {paragraph 0026 and 0028}. Katzman further teaches a user requests an order of goods by sending an instant message to a number of suppliers {paragraph 0099}.); and*

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- *the user and the agent interactively communicating during said session via the instant messaging system to create the requisition order* (see at least paragraph 0099 and 0100, where Katzman further teaches a user requests an order of goods by sending an instant message to a number of suppliers {paragraph 0099} and in response, Katzman further teaches a supplier sends an instant message back to the user with details of the requested order {paragraph 0100}).
- *wherein the agent helps the user create orders through a chat window* (see at least paragraph 0028, "the CS Order Wizard may provide order request and processing capabilities...Orders created by a user place a direct demand order on the supplier, utilizing the MCS programmable API (XML, standards based API) which the interfaces directly to the suppliers order processing and fulfillment systems... via email, chat.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Chou with the technique of Katzman et al. for the advantage of providing real-time interaction between the provider and the customer, therefore improving the efficiency of processing an order.

Claim 20:

Chou in view of Katzman et al. discloses the limitations of claim 19 as shown above. Moreover, Chou, as shown, discloses the following limitations:

- *for use with a given requisitioning system, comprising the further step of using a database connection program to connect the agent with the requisitioning system and to enable the agent to send messages to and to receive data from said requisitioning system* (see at least figure 3, "332" and paragraph 0036).

Claim 21:

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Chou in view of Katzman et al. discloses the limitations of claim 20 as shown above. Chou, as shown, discloses the following limitations:

wherein:

- *said one of the inquiries asks for specific information from the requisitioning system (see at least paragraph 0045-0046);*
- *the step of the agent preparing the associated response includes the step of, the agent using the database connection program to access the requisitioning system to obtain said specific information (see at least paragraphs 0033-0035 and 0045); and*
- *the step of using the application program interface to send the response to the user includes the steps of the agent sending said specific information to the application program interface (see at least paragraphs 0033-0035 and 0045), and said application program interface sending said specific information, to the user (see at least paragraphs 0033-0035 and 0045).*

Chou does not disclose the following limitations, but Katzman et al. however, as shown, does:

- *via the instant messaging system (see at least paragraph 0099-0100),*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Chou with the technique of Katzman et al. for the advantage of providing real-time interaction between the provider and the customer, therefore improving the efficiency of processing an order.

Claim 22:

Chou in view of Katzman et al. discloses the limitations of claim 21 as shown above. Moreover, Chou, as shown, discloses the following limitations:

- *wherein said one of the inquiries asks for the status of the requisition order (see at least paragraph 0045).*

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of Katzman et al. and further in view of Monteleone et al. (US 7,187,973 B2).

Claim 23:

Chou in view of Katzman et al. discloses the limitations of claim 1 as shown above. Moreover, Chou, as shown, discloses the following limitations:

- *the agent providing to the user a Website where the user can get more information about the requisition order (see at least paragraph 0024-0026)*

Chou does not explicitly teach *providing an address of the website*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Chou to have included *providing an address of the website* for the advantage of conveniently providing a user the direct link to the website.

Katzman in at least paragraph 0099, teaches using the instant messaging system to send the associated response, but does not disclose the following limitations, where Monteleone et al. however, as shown, does:

- *i) the agent returning to the user a list of order identifications for the user, and ii) the agent sending to the user a list of approvers currently assigned to the requisition order (see at least figures 9-10, column 5, lines 13-18 and column 10, lines 44-54).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Chou in view of Katzman et al. with the technique of Monteleone et al. for the advantage of tracking the status of a product order.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **David J. Clark** whose telephone number is **571.270.3938**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JOHN W. HAYES** can be reached at **571.272.6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628